

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division**

ALLEN J. CUBBAGE)	
)	
<i>Plaintiff,</i>)	
)	
v.)	No. 5:11-cv-00046-MFU
)	
WELLS FARGO BANK, N.A.)	
SUCCESSOR-BY MERGER)	
WACHOVIA BANK, NATIONAL)	
ASSOCIATION (“WELLS FARGO”))	
)	
<i>Defendant.</i>)	
)	

DEFENDANT’S MOTION TO DISMISS

Defendant Wells Fargo Bank, N.A., Successor-By-Merger to Wachovia Bank, National Association (“Wells Fargo”), by counsel, pursuant to Fed. R. Civ. P. 12(b)(6), moves to dismiss Plaintiff’s Complaint in its entirety for the reasons more fully set forth in the accompanying memorandum in support.

WHEREFORE, Wells Fargo respectfully requests that the Court grant its motion to dismiss Plaintiff’s Complaint and enter an Order dismissing with prejudice all of Plaintiff’s claims and granting whatever other legal or equitable relief the Court deems appropriate.

WELLS FARGO BANK, N.A., SUCCESSOR-BY-MERGER TO WACHOVIA BANK, NATIONAL ASSOCIATION.

By: /s/ Jon S. Hubbard
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*Counsel for Wells Fargo Bank, N.A.,
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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of June, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

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